

TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS Regular Session Date: FEBRUARY 25, 2008

AGENDA

7:30 p.m. – Roll Call

Motion to accept minutes of JANUARY 14, 2008 meetings as written.

PRELIMINARY MEETINGS:

1. **HENRY VAN LEEUWEN (08-06)** Request for 25 ft. Side Yard Setback for proposed single family home at 340 Beattie Road in an R-1 Zone **(55-1-146)**
2. **DANIEL SPIES (08-07)** Request for 28 ft. Side Yard Setback for proposed addition to single family home at 209 Bethlehem Road in an R-1 Zone **(54-1-37)**
3. **ERIC & MICHELLE AZOFF (08-08)** Request for 1 ft. height for proposed 5 ft. fence between the building and the street at 1003 Forest Glen in an R-4 Zone **(89-4-10)**

PUBLIC HEARINGS:

4. **SEYMOUR BORDEN (Carpet Mill Outlet) (08-02)** Request for:

SIGN 9.4 ft. Height
 20 ft. Width
 1 – Additional wall sign

All at 294 Windsor Highway in a C Zone **(35-1-54.12)**

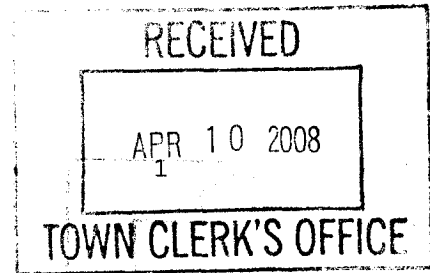
5. **IMPEL ASSOCIATES LLC. (for Minuteman Mall)** Request for 6 inch Height Variance for proposed wall sign at 179 Temple Hill Road in a C Zone **(68-2-9.2)**

CONTINUATION OF PUBLIC HEARING FROM JANUARY 28, 2008:

6. **EVE FREDA (dba Freda Home Professional Office/RLF Management Inc.) (07-55)**
As referred by P. B. - Request for Variance to the provisions for Home Professional Offices which restricts the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes a total of seven off-street parking spaces (Definitions - Section 300-89) in an R-4 Zone **(47-1-35)**

(NEXT MEETING MARCH 10, 2008)

February 25, 2008



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
FEBRUARY 25, 2008

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
FRANCIS BEDETTI, JR.
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: KIMBERLY VOLPE

REGULAR MEETING

MR. KANE: I'd like to call to order the February 25,
2008 meeting of the New Windsor Zoning Board.

APPROVAL OF MINUTES DATED JANUARY 14, 2008

MR. KANE: Motion to accept the minutes of January 14,
2008 as written.

MS. LOCEY: I'll offer that motion.

MR. BEDETTI: I'll second it.

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ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PRELIMINARY_MEETINGS:

HENRY_VAN_LEEUWEN_(08-06)

MR. KANE: Tonight's first preliminary meeting Henry Van Leeuwen. Request for 25 foot side yard setback for proposed single family home at 340 Beattie Road in an R-1 zone. Hi, come on up, state your name please and address.

MRS. VAN LEEUWEN: Betty Ann Van Leeuwen, V-A-N-L-E-E-U-W-E-N, 345 Beattie Road, Rock Tavern, New York 12575.

MR. KANE: I gather you're Henry's wife?

MRS. VAN LEEUWEN: Yes.

MR. KANE: Otherwise known as the boss. Tell us what you want to do.

MRS. VAN LEEUWEN: Well in the construction of our home we want to make sure that the house itself is not too close to the wetlands so that's why we propose to have it moved at this point because of the wetlands.

MR. BABCOCK: Maybe I can help a little bit with this. When they got the building permit and then got the contractor, the existing house requirement was 20 foot from the property line because of the old zoning. And the new zoning is 40 feet. And the contractor filed 20 feet because he thought that the zoning was the same, I don't know if he didn't look at it or whatever. And not only didn't he get 20 feet, he got only 15 feet so when we asked him to stake out and give us a foundation location because we give him a building permit we realized the house is only 15 feet from the property line instead of the 40 feet.

MR. KANE: Is that the 15.1 that's on the map, Mike?

MR. BABCOCK: That's correct, we just said 15 feet, we rounded it off, that's why they're here tonight for a variance.

MR. KANE: Okay.

MR. BABCOCK: The house is on quite an angle, I don't know if you have that.

MR. KANE: Basically you're off to that corner to stay out of the wetlands on the property?

MRS. VAN LEEUWEN: Yes.

MR. KANE: Any easements running through that area?

MRS. VAN LEEUWEN: No.

MR. KANE: Creating any water hazards or runoffs?

MRS. VAN LEEUWEN: No.

MR. KANE: Cutting down substantial vegetation or trees?

MRS. VAN LEEUWEN: Absolutely not, it's like a field.

MR. KANE: And the foundation's already in place?

MR. BABCOCK: That's correct.

MR. KANE: So in the public hearing just state that for the record that the error came and the change of the zoning for the building and he was still five foot off, okay. Any further questions at this point? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Henry Van Leeuwen for a

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request for a 25 foot side yard setback as detailed on the agenda of the Zoning Board of Appeals meeting dated February 25, 2008.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Just for the public hearing just take a couple pictures of the foundation for us.

MRS. VAN LEEUWEN: Okay.

MR. KANE: Show the distance from the road. Thank you.

MRS. VAN LEEUWEN: You got it.

DANIEL_SPIES_(08-07)

MR. KANE: Request for 28 foot side yard setback for proposed addition to single family home at 209 Bethlehem Road.

Mr. Daniel Spies appeared before the board for this proposal.

MR. KANE: State your name, address, speak loud enough for the young lady to hear you.

MR. SPIES: Daniel Spies, 1208 Bethlehem Road, New Windsor, New York.

MR. KANE: Can you tell us what you want to do?

MR. SPIES: I want to expand the side of my house by 8 feet which would enlarge my living room and a half bath.

MR. KANE: In looking at the picture in front of us you're going towards the right?

MR. SPIES: Yes.

MR. KANE: And we're just going out eight foot, is that going to be both floors?

MR. SPIES: No.

MR. KANE: Just for the bottom?

MR. SPIES: Yes, lower floor.

MR. KANE: And this also this area also got hit with the change from 20 to 40?

MR. BABCOCK: That's correct. If you notice his house is, entire existing house is right now is not 40 feet

from the property line.

MR. KANE: Right. Cutting down any trees, substantial vegetation in the building of the addition?

MR. SPIES: No.

MR. KANE: Creating any water hazards or runoffs?

MR. SPIES: No.

MR. KANE: Any easements running through the area where the addition is proposed?

MR. SPIES: No.

MR. KANE: We have pictures, we've got enough. Any further questions at this time? I'll accept a motion.

MR. BEDETTI: I'll make the motion that we schedule a public hearing for Mr. Daniel Spies for a variance as requested.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

ERIC_&_MICHELLE_AZOFF_(08-08)

MR. KANE: Request for 1 foot height for proposed 5 foot fence between the building and the street at 1002 Forest Glen.

Mr. Eric Azoff appeared before the board for this proposal.

MR. AZOFF: It's 1002, not 1003 Forest Glen.

MR. KANE: Let it be known on the disapproval it indeed states 1002, just the agenda that states 1003. Okay, tell us exactly you want to do.

MR. AZOFF: I'm trying to fence in my back yard, putting a swing set, we have four children, it's on a corner lot and there's Dean Hill Road there, that's what I'm trying to do. I'm gonna have a couple dogs so the fence guy says 5 foot is better for animals.

MR. KANE: Little bit more secure than the 4 foot.

MR. AZOFF: Right.

MR. KANE: Cutting down trees, substantial vegetation in the building of the fence?

MR. AZOFF: No.

MR. KANE: Creating water hazards or runoff?

MR. AZOFF: No.

MR. KANE: Can you take one more picture for me from the road showing down that way to the front so we can just see?

MR. AZOFF: From the road down across the back?

MR. KANE: Going in front of your house down the road.

MR. AZOFF: Stand in my front yard and go to the back.

MS. MASON: It drops off, it's hard to get.

MR. KANE: Next question becomes will the fence inhibit the view of any traffic driving down Dean Hill Road?

MR. AZOFF: No, we're doing because of that we're doing a 1 1/4 inch chain link, it's not going to be a solid fence.

MR. KANE: How far off the road is this, Mike, the fence going to be?

MR. BABCOCK: Well, from the edge of the pavement it appears to be probably be about 30, 35 feet probably of the edge of the pavement to the fence.

MR. KANE: What I'd like you to do is just kind of stand down by that tree and just take a picture of that line, the edge of the road and the front of your property.

MR. AZOFF: You got it.

MR. KANE: Okay, all right, that's all we need I think. Any further questions?

MR. BEDETTI: That's not the fence?

MR. AZOFF: No.

MR. KANE: The black line is where he wants to put it. Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Eric and Michelle Azoff for the requested one foot height variance for a

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proposed five foot fence as detailed on the Zoning Board of Appeals agenda dated February 25, 2008.

MR. BEDETTI: I'll second that motion.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

CONTINUATION_OF_PUBLIC_HEARING_FROM_JANUARY_28,_2008

EVE_FREDA_(07-55)

MR. KANE: Next is the continuation of a public hearing from January 28, Eve Freda d/b/a Freda Home Professional Office/ RLF Management, as referred by the planning board request for variance to provisions for home professional offices which restrict the operation to employ no more than one person. Applicant proposes to employ five employees in the business. Applicant proposes total of seven off-street parking spaces. Anything new, Joe, that you wanted to add?

MR. MINUTA: No, Mr. Chairman, other than the last meeting we have tabled it I believe until Mr. Bedetti had a chance to take a look at the property and make an assessment of that and there we go.

MR. KANE: Pat, you reviewed all the notes?

MR. TORPEY: Yes.

MR. KANE: I'll accept a motion.

MR. BEDETTI: Can I have a little discussion?

MR. KANE: Absolutely.

MR. BEDETTI: I'm going to speak on my own behalf, not speaking for the rest of the board, but I personally had a reluctance of boosting that number from 1 to 5 employees in an R-4 zone, in a residential zone, but after having visited the site the way it's kept, very well kept, the business is very well run, there's apparently no, none of the neighbors are in objection to any to the business at all. I was very impressed by the owner and the way she runs her operation and the location, how well it's kept. I did speak with her, I did have some reservations if I were to advance this

for an approval, I would like to do it with conditions and those conditions being that the number one, that we certainly cap it at five employees and nothing higher than five employees. I had some question relative to whether this in fact as truly a home professional office by the definition in the book. But it's about as close as you can possibly get. And like I said, I personally view it, am in favor of approval of this. The other two recommendations were that the business hours be restricted to 7 to 5 p.m. five days a week and I think we had one other one that because of the uniqueness of this business that there are no customers coming and going. The only, you know, cars that go in and out of there are the employees when they come in and she has a neighbor who works in there, probably doesn't even drive but anyway that if she would be, we give variances as to property, not necessarily to the business owner, that if she leaves that and this approval stays on the property virtually any kind of a business could go in there. And my recommendation would be that when she terminates this business this particular unique business when it gets terminated that the variance be terminated as well. That would be my three recommendations.

MR. KANE: What are the current hours of operation, Joe?

MS. FREDA: Eight to four Monday through Friday.

MR. MINUTA: May I have a moment please?

MR. KANE: Absolutely. Pat, Kathy, are you comfortable?

MS. LOCEY: I'm a little uncomfortable with terminating the variance.

MR. KRIEGER: I don't think legally that the third condition would pass muster. As I recall from the

public hearing however there was no sign and I think the off-street parking places were seven in number and if that were placed as a condition that there be no sign there be no increase in the parking places, while you can't say the variance is limited to that particular business it would make it virtually unusable by anybody unless they were to fall into the very unique circumstances.

MR. BABCOCK: It could be the same business but run by a different owner, you know, I mean, right now, if somebody wanted to go in there and buy her business and buy her house and run it in the same fashion that she runs it there really shouldn't been an issue. That would be the problem with terminating the variance if they personally, I don't know whether it's she or he, whatever, who runs the business so I don't know that that's the problem. I think what Barney's concerned about is becoming an automobile repair shop, a commercial business, I think that the way we have it here is that if you want to grant these variances based on what they've told us, that's it, that's all that can operate there, that same business and if not, they have to come back here.

MR. KANE: That's the building department's perspective on it, if somebody else came up that you would direct them, actually put a decline on it.

MR. BABCOCK: That's correct.

MR. KRIEGER: I think the concern is the impact on the neighborhood.

MR. BABCOCK: That's correct.

MR. KRIEGER: Visual impact.

MR. TORPEY: How long have they been there?

MR. BEDETTI: Twenty years.

MR. BABCOCK: She, he has been there a very long time, we did not even know they were there, that's how good neighbors they are, number 1. Number 2 is I understood that it was a relative that made the complaint and God only knows what that reason could have been, but it wasn't anybody in the neighborhood or anybody from that area that made a complaint or ever made a complaint.

MR. KANE: That's correct.

MR. BABCOCK: So I think what we're saying if they sell the business and somebody else buys it they should be able to sell their business if they'd like to. So I don't know if we can restrict it to who actually is there or who the five people might be. But what we can do is restrict it to what has been said at this meeting which goes in my file and if somebody else does something different than that they'd be in violation of their variance and we would give them an appearance ticket and the judge would say you've got to go back in front of the zoning board to get that approved and then you say yes or no.

MR. KRIEGER: You'd be in violation of the variance, same as you are now in violation of the zoning law and you're not protected by the variance.

MS. LOCEY: They're asking for a variance for home professional offices.

MR. BABCOCK: No, the home professional office is a permitted use there, it's the idea that they have more than one employee, that's the only thing they're here tonight to ask for, they have five employees instead of one. The rules go on to say that it's supposed to be carried on by the owner of the house. So if she no longer owns the house, she can't run her business there, she couldn't rent the house out and let somebody

else run the business, she would have to sell the house so that if I bought the house I could run that business as long as I own the house.

MR. KANE: So basically what we're looking at is just trusting that the building department would handle it if something else came up and our legal counsel is stating that the number 3 thing is really not something that might be enforceable.

MR. BABCOCK: In today's world I'm surprised we didn't know about it sooner because we get calls day in and day out of these things. That's how we're aware of them.

MR. TORPEY: But she's still quiet, nobody's bothering anybody, there's no traffic.

MR. BABCOCK: That's correct.

MR. KRIEGER: The object here is to give the building department if a complaint is made in the future the tools so they don't have to go through extensive investigation or whatever, they can just drive by and eyeball it and say hey, it doesn't match but as I say you can't limit it to this particular person.

MR. KANE: Comfortable?

MR. BEDETTI: If you're comfortable, if the building department is in fact going to give us the assurance that an automobile repair guy is not going to open up a business in there, I have no problem with her business, I have no problem with her business or the way it's run.

MR. KANE: Okay, so we're going to scratch the third.

MR. BEDETTI: Only protection of her neighbors that another type of business could move in there with the

option of five employees in this residential zone and I'd like to give them some protection as well.

MR. KANE: I think we have the assurances that that's built in.

MR. BEDETTI: If we have that, I withdraw my third condition.

MR. MINUTA: If I may interest the board with respect to the business as it is it's a family run business, my client's son, Chris, also works in the business and you know one day he may take over the business so you know with that caveat in mind.

MR. BEDETTI: That's not a problem.

MS. LOCEY: Is there a request for more than allowable off-street parking? Says here they propose seven off-street parking spaces.

MR. MINUTA: Actually, no, they're parking seven on the property, there are currently seven spaces located on the property.

MS. LOCEY: Off-street?

MR. MINUTA: Correct.

MS. LOCEY: What's allowed, are we giving a variance for that number of parking spaces?

MR. BABCOCK: No.

MS. LOCEY: That's written within the zoning?

MR. BABCOCK: Yes.

MR. MINUTA: That was also prior requirement under the old zoning code.

MR. KANE: The only thing they're here for is more than one person.

MS. LOCEY: Okay.

MR. KRIEGER: But you may want to place as a condition that they can't have more than seven parking spaces because that would--

MS. LOCEY: That's already a condition.

MR. BABCOCK: We're not going to let them have more than seven, if they blacktop the front yard we're going to have a problem with that.

MS. LOCEY: Well and our zoning regulations would prohibit that.

MR. KRIEGER: Right.

MS. LOCEY: So I don't think we need to state what's already written within the law.

MR. BABCOCK: Right.

MS. LOCEY: What about the possibility of restricting hours of operation?

MR. KANE: Well, given that Frank had asked for 7 to 5 and their operations is it 8 to 4?

MR. MINUTA: There is no issue, no.

MR. KRIEGER: Seven to 5 Monday through Friday.

MR. KANE: That was 8 to 4 Monday through Friday?

MS. FREDA: Yes.

MR. KANE: Leave it to the lawyer, details. Any further questions? Okay. I'll accept a proposal.

MS. LOCEY: I'll offer a motion to grant the requested variances on the application of Eve Freda as detailed in the agenda of the Zoning Board of Appeals meeting dated February 25, 2008 conditional upon restricted hours of operation being Monday through Friday 7 a.m. to 5 p.m. and no more than five employees to be part of that business.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. BEDETTI: And that was five days a week.

MS. LOCEY: Monday through Friday.

SEYMOUR_BORDEN_(CARPET_MILL_OUTLET)_(08-02)

Mr. Seymour Borden and Mr. Kenneth Borden appeared before the board for this proposal.

MR. KANE: Request for 9.4 foot height, 20 foot width and one additional wall sign all at 294 Windsor Highway. Similar to the preliminary, tell us what you want to do, explain what happened with the quote unquote sign.

MR. S. BORDEN: The sign, we covered it up as per your request.

MR. K. BORDEN: It was not in the original plan that was sent to you, it was an afterthought and we put it up unknowing, unbeknownst to us and then we found out through a, when the refinancing took place the title company said notify the town that we were in violation so we covered it up as we were told and now we're here to see if we can uncover it.

MR. KANE: Okay, the sign illuminated in any way?

MR. S. BORDEN: Just backlights.

MR. KANE: No flashing illumination?

MR. S. BORDEN: No, nothing like that.

MR. KANE: And Mike basically the size, the requested variance has to do with the awning itself and not the actual lettering that's on the awning?

MR. BABCOCK: Well, what we did is we took a big square of what's there and, you know, called it a sign because it's got their name on it, I guess if it had, you know, that was the issue, they didn't realize that it would constitute a sign, put a canopy up, canopy company called them said hey, listen, do you want your sign in

this thing? Sure, why not. They put it in not realizing that it was a sign until we advised them that it was.

MR. K. BORDEN: And the number for the fire department.

MR. KANE: Approximately how many feet off the highway would you say the sign is?

MR. S. BORDEN: Sixty feet, Mike?

MR. BABCOCK: Yeah, probably 60 feet.

MR. KANE: We'll open it up to the board for any questions.

MR. BEDETTI: I have a question. How many signs do you currently have at that business? I assume it's just one business in that building?

MR. K. BORDEN: Yes, we have the one freestanding.

MR. S. BORDEN: Then we have painted on the wall we have like a bumble bee says don't get stung.

MR. BEDETTI: Now, the freestanding sign actually has compartments, actually three signs that you utilize all three of those signs--

MR. K. BORDEN: That's the one you see from the highway as you're passing the highway.

MR. S. BORDEN: And temperature is on the top of it.

MS. LOCEY: This is for an additional sign on the building, correct?

MR. K. BORDEN: Correct.

MR. KANE: Basically.

MS. LOCEY: Freestanding sign is irrelevant.

MR. KANE: It's irrelevant.

MR. TORPEY: This is just an awning that happened to have a name on it.

MR. KANE: Exactly, that's what it comes down to an awning with a name on it. At this point then I'll open it up to the public and ask if anybody is here for this particular hearing? I'll close the public portion of the meeting and ask Myra how many mailings we had?

MS. MASON: On February 12, I mailed out 26 addressed envelopes and had two responses.

MR. S. BORDEN: One good one.

MR. KANE: I have two responses I'll read. "Dear Sirs: Since I will not be able to attend the public hearing on February 25, 2007 regarding appeal no. 08-02, I would like to take this opportunity to state that I am in favor of the variance. In all the twenty plus years Seymour Borden and I have been neighbors owning business establishments across the road from each other I can attest to the fact that he has been successful because he runs a clean, orderly and quality operation that he takes pride in and that he always tries to make even better. Thank you for letting me be heard. Sincerely yours, Leonard G. Bakker." The next one Leone Properties, LLC, P.O. Box 141, Central Valley, New York. "Gentlemen: In response to your notification of a public hearing for Seymour Borden (Carpet Mill Outlet) 294 Windsor Highway for a variance for a sign, please be advised that I object to the town granting such a variance. As a property owner in the C zone, I must abide by the zoning laws that govern my property. These laws and codes were instituted to assure that there is some conformity when it comes to

the appearance of these properties. Route 32 is a heavily traveled road and the building in question is highly visible as it stands. It is a very big yellow building which is hard to miss. There is already a large sign which draws attention to the property. An additional sign of such size is not necessary. Once again I am against the Town granting a variance for Seymour Borden. The current codes provide for signs that are more than adequate for the building. This is not a hardship case and the granting of a variance would open the doors for everyone in this district to make such requests. This would defeat the purpose of the zoning codes that are currently in place. Sincerely, Leone Properties, LLC, Raffaele Leone."

MS. LOCEY: What property does he own?

MR. KANE: He doesn't say.

MR. BABCOCK: He owns the, he rents to the state, they have a facility up the street up towards Vails Gate maybe two buildings up. It's a state, I don't want to call it a rehabilitation, I don't really know exactly.

MS. LOCEY: Closer to Vails Gate?

MR. BABCOCK: Yeah, closer to Vails Gate across the street.

MR. TORPEY: Like a disability.

MR. BABCOCK: Yeah, it's people with disabilities.

MS. LOCEY: A group home.

MR. BABCOCK: They don't stay there, they don't live there, they go there for functions.

MR. KANE: Well, I think personally if they understood we're not talking a sign of that size we're really, you

know, it's a unique situation and that we're talking the awning and the awning happened to have the printing on it, that's my take on that particular letter. Okay, we already asked how many mailings.

MS. MASON: Yes.

MR. KANE: Okay, we'll bring it back to the board for further questions from the board. Anything further?

MR. BEDETTI: I just have a comment. You said that the standing signs were irrelevant. My understanding of the code says that, you know, any establishment is entitled to one sign plus a facade sign.

MR. KANE: One freestanding sign.

MR. BEDETTI: And the freestanding sign has segments in it that, you know, that they're utilizing all the segments of the sign so I mean I'm thinking they've got four signs already and they're asking for essentially--

MR. KANE: They have one freestanding sign, how they divide that up--

MR. BEDETTI: And there are other freestanding signs along 32 that have more than one business and each business takes a compartment of that freestanding sign.

MR. KANE: Right.

MR. BEDETTI: So, you know, you view it as one sign, I view it as three signs.

MS. LOCEY: But this variance if someone's objected to that and they were brought back here for us to determine if we thought that was one sign or three, it's a separate matter than what they're here for this evening. They're here because the zoning law prohibits two signs on the building and so they're here to ask

for a variance so that the awning that's already in place with their sign on it which is considered a second sign will then comply if we grant a variance. If someone has a problem with their freestanding sign this is a separate issue, that's why I said that.

MR. BEDETTI: I have no questions relative to the freestanding sign other than the fact that it is included in the total number of signs that's allowed for a business, that's my point.

MR. KANE: Okay.

MR. BEDETTI: I'm not objecting to their freestanding sign.

MR. KANE: I know, you can't, it's legal.

MR. BEDETTI: I understand. I didn't want anybody to assume that that's what I was questioning.

MR. KANE: Okay, any further questions?

MR. BEDETTI: No, I'm good.

MR. KANE: I'll accept a motion.

MS. LOCEY: I'll offer a motion to grant the requested variance on the application of Seymour Borden as detailed on the Zoning Board of Appeals agenda dated February 25, 2008.

MR. TORPEY: I'll second it.

ROLL CALL

MR. BEDETTI	NO
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

IMPEL_ASSOCIATES_LLC._(FOR_MINUTEMAN_MALL)

MR. KANE: Request for 6 inch height variance for proposed wall sign at 179 Temple Hill Road.

Mr. Siad Rouchdy appeared before the board for this proposal.

MR. KANE: Just as in the preliminary meeting you want to tell us exactly what you want to do. Basically, you have a sign that you want to put up and the only way it doesn't meet the specifications is for the height?

MR. ROUCHDY: Yes.

MR. KANE: Michael, with the building department since we box off all the way on this sign, the bottom is still considered part of the sign as is just the rectangle going all the way around?

MR. BABCOCK: That's right, as far as square footage we take in a lot more square footage than what the sign actually is. We're saying that it's six inches higher, he's allowed a 30 inch sign, it's 36 inches at its highest point, it is not continuous 36 inches.

MR. KANE: From the lowest to the highest point?

MR. BABCOCK: Yes.

MR. TORPEY: If we pulled it and stretched it it would be all even?

MR. BABCOCK: That's correct.

MR. KANE: Is the sign illuminated in any way?

MR. ROUCHDY: Yes.

MR. KANE: Is it a flashing illumination or steady?

MR. ROUCHDY: No.

MR. KANE: Steady?

MR. ROUCHDY: Yes.

MR. TORPEY: Just plain light?

MR. ROUCHDY: Yes.

MR. KANE: It won't distract any drivers going down the road?

MR. ROUCHDY: No.

MR. KANE: Not that kind of lighting?

MR. ROUCHDY: No.

MR. BABCOCK: In the larger part of the sign, Mr. Chairman, is the American flag and it's the Armed Forces Career Center that's going in there.

MR. KANE: Okay, at this point, I'll open it up to the public. Seeing as there's nobody in the audience, we'll close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: On February 12, I mailed out 34 addressed envelopes and no response.

MR. KANE: Further questions from the board?

MS. LOCEY: This replaces an existing sign, is that correct?

MR. ROUCHDY: Yes.

MS. LOCEY: You already have a sign?

MR. BABCOCK: They don't in particular have a sign but there's a sign opening that was there from the last business, I think it was a restaurant, Minuteman Restaurant Supplies, they used to take up both sides and then they moved over. So there's an area in the building you should be able to see that, this, the picture if you have it, a sign is taken out, that's where this sign will go.

MR. KANE: I think what you're seeing if I remember the preliminary it's photoshopped into that little square to show something in there, the sign itself is going to be exactly what you see on the back page of the application. Any further questions?

MR. TORPEY: No, I'm pretty good.

MR. KANE: I'll accept a motion.

MR. BEDETTI: I'll make a motion that we grant Impel Associates LLC a variance as requested for 6 inch height variance on a wall sign at 179 Temple Hill Road.

MR. TORPEY: I'll second that.

ROLL CALL

MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. BEDETTI: So moved.

MS. LOCEY: Second it.

ROLL CALL

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MR. BEDETTI	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer